

17119 U.S. PRO
07/31/03

EV258281415US
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. B-3757DIV3 621036-0

Anticipated Classification

of this application

Class _____ Subclass _____

Prior application: 10/196,480

Examiner: Dao Linda Phan

Art Unit: 3662

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CONTINUATION OR DIVISIONAL FILING UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a

☐ Continuation ☒ Divisional

application under 37 C.F.R. § 1.53(b), of pending prior U.S.

Application Serial No. 10/196,480 filed on July 15, 2002, which is

divisional application of prior U.S. Application Serial No.

09/593,188 filed on June 14, 2000 of (1) Ronald Regis STEPHENS

for "WAVELENGTH DIVISION MULTIPLEXING METHODS AND APPARATUS FOR
CONSTRUCTING PHOTONIC BEAMFORMING NETWORKS".

1. Prior Application

☒ I hereby verify that the attached papers are a true copy
of what is shown in my records to be the above-
identified prior application (USSN 10/196,480),
including 25 pages of specification (including Title
page), 13 pages of claims, 1 page of abstract, the oath
or declaration (4 pages), and 20 sheets of drawings
(Figs. 1a-1b, 2, 3a-3b, 4-12, 12a-12b, 13-14, 15a-15b,
16-19) as originally filed. The attached true copy
constitutes the above-identified divisional application
(please also see 8 for drawing requirements.)

NOTE: Under 37 C.F.R. § 1.53(b) practice, signing and execution of the application by the
applicant may be omitted provided the application is a continuation or divisional which
adds neither new matter nor new inventors to the parent application, and a copy of the
original declaration or oath from the parent application is supplied with the new
application - 37 C.F.R. § 1.63(d)(1)

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and the documents referred to as attached therein are
being deposited with the United States Postal Service on this date July 31, 2003 in an
envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing
Label Number EV258281415US addressed to the

"Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450"

Suzanne Johnston

(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed
thereon prior to mailing - 37 C.F.R. § 1.10(b).

2. Amendments

☐ Cancel in this application original claims ___ of the prior application before calculating the filing fee.

☒ A preliminary amendment is enclosed.

NOTE: Only amendments reducing the number of claims will be entered before calculating the final fee.

3. Fee Calculation

CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee
			\$750.00
Total Claims	36 -20=	16 x \$ 18.00	288.00
Independent Claims	3 -3=	0 x \$ 84.00	0
Multiple dependent Claim(s), if any		0 x \$ 280.00	0

☐ The fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendments, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 C.F.R. § 1.16(d).

Filing fee calculation \$ 1,038.00

4. Small Entity Status

☐ a verified statement that this is a filing by a small entity is attached.

☐ a verified statement has previously been filed in the parent application (37 C.F.R. § 1.28 (a)).

Filing fee calculation (50% of above) \$ ____

NOTE: If a verified statement is filed within two (2) months of the date of payment of the first fee then the excess fee paid will be refunded on request. Notice of January 20, 1983. 1027 TMOG 114.

5. Fee Payment Being Made At This Time

Not enclosed

☐ no filing fee is submitted. This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.

Enclosed

☒ filing fee \$ 1,038.00

6. Method of Payment of Fees

☒ enclosed is a check in the amount of \$ 1,038.00

☐ charge account number 12-0415 in the amount of \$

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid - 37 C.F.R. § 1.22(b)

7. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:

- ☒ 37 C.F.R. § 1.16 (filing fees and presentation of extra claims)
- ☒ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b)).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application...prior to paying...issue fee."

8. Drawings

- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) the applicant, (2) the assignee of record or (3) the attorney or agent of record authorized by 37 C.F.R. § 1.138 and before payment of issue fee.)

NOTE: ~~DO NOT~~ check this box if prior case is not to be abandoned.

- ☐ Transfer the following sheet(s) of drawings from the prior application to this application _____

NOTE: Transferring sheets must be cancelled in prior application 37 C.F.R. § 1.88

- ☒ New drawings are enclosed ☒ formal ☐ informal

9. Priority - 35 U.S.C. 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

- ☐ The certified copy has been filed in U.S. Application No. _____ filed on _____.

10. Relate Back - 35 U.S.C. 120

The Preliminary Amendment presents an amendment to the specification to relate this divisional application to its parent.

11. Assignment

- ☒ The prior application is assigned of record to
HRL Laboratories, LLC

- ☒ Attached is the following number of Assignments: 1
and respective new Cover Sheets. (Do NOT file old cover sheets.)

12. Power of Attorney
CUSTOMER NO.: 36716

- a. ☒ The power appears in the original papers in the prior application
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A copy of the executed Supplemental Declaration/Power is enclosed herewith.
- d. ☒ Address all future communications to:

Richard P. Berg
c/o LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036-5679

- e. ☐ An Associate Power of Attorney has been executed and is attached.

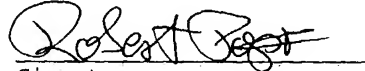
(May only be completed by applicant, or attorney or agent of record).

13. Maintenance of Copendency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application _____ until _____.

14. An Information Disclosure Statement is enclosed herewith.

July 31, 2003
Date


Signature
Robert Popa
Registration No. 43,010

Address of Signatory

c/o LADAS & PARRY
5670 Wilshire Boulevard
Suite 2100
Los Angeles, Ca 90036-5679
Telephone No. (323) 934-2300
Telefax No. (323) 934-0202

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record
☐ Filed under Rule 34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REGARDING THE U.S. PATENT APPLICATION OF:

Ronald Regis Stephens

ENTITLED: "WAVELENGTH DIVISION MULTIPLEXING METHODS AND APPARATUS FOR
CONSTRUCTING PHOTONIC BEAMFORMING NETWORKS"

New U.S. Divisional patent application based on USSN 10/196,480
Our Ref: B-3757DIV3 621036-0

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

EV258281415US

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EV258281415US

Date of Deposit: July 31, 2003

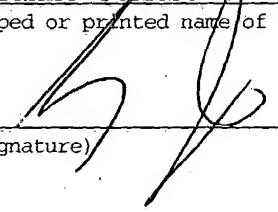
I hereby certify that the following attached papers or fee:

- postcard
- check no. 17522 for \$1,038.00
- Transmittal letter with Certification under 37 CFR 1.10 (4 pages)
- Preliminary amendment (18 pages)
- True copy of parent application U.S. Patent Appln. No. 10/196,480 consisting of: 25 pages of specification (including Title page), 13 pages of claims, 1 page of abstract, the oath or declaration (4 pages), and 20 sheets of drawings (Figs. 1a-1b, 2, 3a-3b, 4-12, 12a-12b, 13-14, 15a-15b, 16-19) as originally filed
- 20 sheets of formal drawings (Figs. 1a-1b, 2, 3a-3b, 4-12, 12a-12b, 13-14, 15a-15b, 16-19) with cover sheet (1 page)
- Information Disclosure Statement with Form PTO-1449 (modified) (4 pages)
- Assignment document (2 pages) with Cover Sheet (1 page), and check no. 17523 for \$40.00

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

Suzanne Johnston

(Typed or printed name of person mailing paper or fee)


(Signature)